

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAMON LYNN STOVALL,
Petitioner,
v.
RAYMOND LAWLER, et al.,
Respondents.

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Civil Action No. 08-241 Erie

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MEMORANDUM ORDER

This habeas action was received by the Clerk of Court on August 20, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 15], filed on April 7, 2009, recommended that Respondents' motion to dismiss [Doc. No. 11] be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner by certified mail and on Respondents. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 30th day of April, 2009;

IT IS HEREBY ORDERED that the Respondents' motion to dismiss [Doc. No. 11] is DENIED.

The Report and Recommendation [Doc. No. 15] of Magistrate Judge Baxter, filed on April 7, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge